

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

IN RE: ) CASE NO. 10-93904-BHL-11  
 )  
EASTERN LIVESTOCK CO., LLC, ) Hon. Basil H. Lorch, III  
 )  
Debtor. )  
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**DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL AND  
STATEMENT OF ISSUES TO BE PRESENTED**

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COMES NOW Appellants Alabama Livestock Auction, Inc.; Sealy And Sons Livestock, LLP; Athens Stockyard, LLC; Billingsley Auction Sale, Inc.; CPC Livestock, LLC; Carroll County Livestock Sales Barn, Inc.; E4 Cattle Co., LLC; Edward J. Edens, IV; Macon Stockyards, Inc.; Edwin A. Strickland; Macon Stockyard, Inc.; and Robert Rawls d/b/a Robert Rawls Livestock aggrieved parties, defendants, and claimants in the above titles bankruptcy, by and through counsel, and hereby designate the following items for inclusion in the record on appeal, and set forth the following statement of issues to be presented on appeal, pursuant to Federal Rule of Bankruptcy Procedure 8006:

**DESIGNATION OF RECORD ON APPEAL**

**A. Pleadings from Eastern Livestock, Case No. 10-93904-BHL-11**

<b><u>Filing Date</u></b>	<b><u>Docket No.</u></b>	<b><u>Docket Text</u></b>
December 6, 2010	1	Involuntary Petition
December 7, 2010	27	Emergency Motion Under 11 U.S.C §§ 303(f) and (g), 105 and 1104(a) for an Order Appointing Interim Trustee and Authorizing and Directing Interim Trustee to Operate

December 7, 2010	27-1	Exhibit A to Emergency Motion Under 11 USC §§ 303(f) and (g), 105 and 1104(a) for an Order Appointing Interim Trustee and Authorizing and Directing Interim Trustee to Operate Debtor's Business
December 7, 2010	27-2	Exhibit B to Emergency Motion Under 11 USC §§ 303(f) and (g), 105 and 1104(a) for an Order Appointing Interim Trustee and Authorizing and Directing Interim Trustee to Operate Debtor's Business
December 7, 2010	27-3	Exhibit C to Emergency Motion Under 11 USC §§ 303(f) and (g), 105 and 1104(a) for an Order Appointing Interim Trustee and Authorizing and Directing Interim Trustee to Operate Debtor's Business
December 7, 2010	27-4	Exhibit D to Emergency Motion Under 11 USC §§ 303(f) and (g), 105 and 1104(a) for an Order Appointing Interim Trustee and Authorizing and Directing Interim Trustee to Operate Debtor's Business
December 7, 2010	28	Minute Entry / Order
December 13, 2010	68	Minute Entry / Order
December 16, 2010	77	Order Approving Motion for the Appointment of a Trustee Under 11 U.S.C. §§ 105, 303, and 1104
December 23, 2010	98	Notice of Appointment and Application for Order Approving Appointment of Trustee
December 23, 2010	98-1	Trustee's Verified Statement and Notice of Acceptance
December 23, 2010	98-2	Affidavit of Disinterest
December 27, 2010	102	Order Approving the Appointment of James A. Knauer as Chapter 11 Trustee
December 30, 2010	113	Application to Employ Baker & Daniels LLP as Counsel to Chapter 11 Trustee
December 30, 2010	114	Affidavit of Terry E. Hall in Support of Application to Employ Baker & Daniels LLP as Counsel to Chapter 11 Trustee
December 30, 2010	117	Application for Approval of Employment of Development Specialists, Inc. as Consultant to Chapter 11 Trustee

December 30, 2010	117-1	Exhibit A to Application for Approval of Employment of Development Specialists, Inc. as Consultant to Chapter 11 Trustee
December 30, 2010	117-2	Exhibit B to Application for Approval of Employment of Development Specialists, Inc. as Consultant to Chapter 11 Trustee
December 30, 2010	117-3	Exhibit C to Application for Approval of Employment of Development Specialists, Inc. as Consultant to Chapter 11 Trustee
January 10, 2011	181	Objection of The First Bank and Trust Company to Application to Employ Baker & Daniels LLP as Counsel to Chapter XI Trustee
January 10, 2011	181-1	Exhibit A to Objection of The First Bank and Trust Company to Application to Employ Baker & Daniels LLP as Counsel to Chapter XI Trustee
January 10, 2011	181-2	Exhibit B to Objection of The First Bank and Trust Company to Application to Employ Baker & Daniels LLP as Counsel to Chapter XI Trustee
January 10, 2011	181-3	Exhibit C to Objection of The First Bank and Trust Company to Application to Employ Baker & Daniels LLP as Counsel to Chapter XI Trustee
January 18, 2011	219	Application to Employ Hoover Hull LLP as Special Counsel to Chapter 11 Trustee
January 18, 2011	219-1	Exhibit A to Application to Employ Hoover Hull LLP as Special Counsel to Chapter 11 Trustee
January 24, 2011	235	Amended Affidavit of Terry E. Hall in Support of Application to Employ Baker & Daniels LLP as Counsel to Chapter 11 Trustee
January 27, 2011	241	The First Bank and Trust Company's Withdrawal of Objection to Employment of Baker & Daniels LLP as Counsel to Chapter 11 Trustee
February 1, 2011	248	Order Granting Application to Employ Baker & Daniels LLP as Counsel to Chapter 11 Trustee

February 8, 2011	257	Order Granting Application for Approval of Employment of Development Specialists, Inc. as Consultant to Chapter 11 Trustee
February 10, 2011	267	Order Granting Application to Employ Hoover Hull LLP as Special Counsel to Chapter 11 Trustee
February 11, 2011	271	Motion to Approve Trustee's Borrowing and Use of Cash Collateral, Modify the Automatic Stay, Provide Adequate Protection Payments, Protect Confidential Information, and Schedule Final Hearing
February 11, 2011	271-1	Exhibit A to Motion to Approve Trustee's Borrowing and Use of Cash Collateral, Modify the Automatic Stay, Provide Adequate Protection Payments, Protect Confidential Information, and Schedule Final Hearing
March 2, 2011	306	Notice of Submission or Revised Exhibit A to Motion to Approve Trustee's Borrowing and Use of Cash Collateral, Modify the Automatic Stay, Provide Adequate Protection Payments, Protect Confidential Information, and Schedule Final Hearing
March 2, 2011	306-1	"Clean" exhibit to Notice of Submission or Revised Exhibit A to Motion to Approve Trustee's Borrowing and Use of Cash Collateral, Modify the Automatic Stay, Provide Adequate Protection Payments, Protect Confidential Information, and Schedule Final Hearing
March 2, 2011	306-2	March 2, 2011 306-2 "Blacklined" exhibit to Notice of Submission or Revised Exhibit A to Motion to Approve Trustee's Borrowing and Use of Cash Collateral, Modify the Automatic Stay, Provide Adequate Protection Payments, Protect Confidential Information, and Schedule Final Hearing
March 8, 2011	313	Debtor's Bankruptcy Schedules, including Schedule F
March 8, 2011	319	Objection to Trustee's Motion to Approve Trustee's Borrowing and Use of Cash Collateral, Modify the Automatic Stay, Provide Adequate Protection Payments, Protect Confidential Information, and Schedule Final Hearing

March 8, 2011	324	Objection to Motion to Approve Trustee's Borrowing and Use of Cash Collateral, Modify the Automatic Stay, Provide Adequate Protection Payments, Protect Confidential Information, and Schedule Final Hearing
March 8, 2011	326	Limited Objection to Trustee's Financing Motion
March 8, 2011	327	Friona's Industries, LP, Cactus Growers, Inc., and J & F Oklahoma Holdings, Inc.'s Response to Motion to Approve Trustee's Borrowing and Use of Cash Collateral, Modify the Automatic Stay, Provide Adequate Protection Payments, Protect Confidential Information, and Schedule Final Hearing
March 8, 2011	328	Objection to Motion to Approve Trustee's Borrowing and Use of Cash Collateral, Modify the Automatic Stay, Provide Adequate Protection Payments, Protect Confidential Information and Schedule Final Hearing
March 10, 2011	340	Trustee's Response to Objections to Trustee's Financing Motion
March 10, 2011	349	Response of Fifth Third Bank, N.A. to Objections to Trustee's Financing Motion
March 11, 2011	353	Trustee's Amended Response to Objections to Trustee's Financing Motion
March 11, 2011	383	Minute Entry / Order
March 18, 2011	400	Financing Order (I) Approving Chapter 11 Trustee Financing; (II) Authorizing Use of Cash Collateral and Obtaining Credit Pursuant to Sections 341, 363 and 364 of the Bankruptcy Code; (III) Modifying the Automatic Stay; (IV) Providing Adequate Protection and (V) Sealing Certain Documents
May 23, 2011	501	Trustee's Purchase Money Claims Report, Motion to Transfer Funds and Notice of Release of Proceeds from Account
May 27, 2011	512	Objection to the Trustee's Purchase Money Claims Report, Motion to Transfer Funds and Notice of Release of Proceeds from Account
May 31, 2011	515	Joinder in the Objection to Trustee's Motion to Transfer Funds and Notice of Release of Proceeds from Account

May 31, 2011	517	Joinder in the Objection to Trustee's Motion to Transfer Funds and Notice of Release of Proceeds from Account
May 31, 2011	518	Joinder in the Objection to Trustee's Motion to Transfer Funds and Notice of Release of Proceeds from Account
May 31, 2011	519	Objection to Trustee's Motion to Transfer Funds and Notice of Release of Proceeds from Account
June 1, 2011	520	First Interim Application of Baker & Daniels LLP for Compensation and Reimbursement of Expenses as Counsel for James A. Knauer, Chapter 11 Trustee
June 1, 2011	520-1	Exhibit A to First Interim Application of Baker & Daniels LLP for Compensation and Reimbursement of Expenses as Counsel for James A. Knauer, Chapter 11 Trustee
June 2, 2011	523	First Interim Application of Development Specialists, Inc. for Compensation and Reimbursement of Expenses as Consultant for James A. Knauer, Chapter 11 Trustee
June 2, 2011	523-1	Exhibit A to First Interim Application of Development Specialists, Inc. for Compensation and Reimbursement of Expenses as Consultant for James A. Knauer, Chapter 11 Trustee
June 2, 2011	523-2	Exhibit B to First Interim Application of Development Specialists, Inc. for Compensation and Reimbursement of Expenses as Consultant for James A. Knauer, Chapter 11 Trustee
June 3, 2011	525	First Interim Application of James A. Knauer for Compensation and Reimbursement of Expenses as Chapter 11 Trustee
June 3, 2011	525-1	Exhibit A to First Interim Application of James A. Knauer for Compensation and Reimbursement of Expenses as Chapter 11 Trustee
June 3, 2011	525-2	Exhibit B to First Interim Application of James A. Knauer for Compensation and Reimbursement of Expenses as Chapter 11 Trustee
June 17, 2011	536	Peoples Bank's Response and Objection to Trustee's Money Claims Report, Motion to Transfer Funds and Notice of Release of Proceeds from Account

June 17, 2011	538	DelCotto Law Group PLLC Statement Pursuant to Fed. R. Bankr. P. 2019
June 17, 2011	539	Objection to the Trustee's Purchase Money Claims Report, Motion to Transfer Funds and Notice of Release of Proceeds from Account
June 17, 2011	541	Supplemental Objection to the Trustee's Purchase Money Claims Report, Motion to Transfer Funds and Notice of Proceeds from Account
June 17, 2011	542	Supplemental Objection of Joplin Regional Stockyards to the Trustee's Purchase Money Claims Report , Motion to Transfer Funds and Notice of Proceeds from Account
June 17, 2011	543	Objection to Eastern Trustee's Motion to Transfer Funds and Notice of Release of Proceeds from Account
June 17, 2011	544	Response and Objection of Brent Kuehny d/b/a Dollar K Cattle Co., and the Bank of Kremlin to the Trustee's Purchase Money Claims Report, Motion to Transfer Funds and Notice of Release of Proceeds from Account
June 17, 2011	545	Response and Objection of Stockman Oklahoma Livestock Marketing, Inc. to the Trustee's Purchase Money Claims Report, Motion to Transfer Funds and Notice of Release of Proceeds from Account
June 17, 2011	546	Response and Objection of Crumpler Bros. to the Trustee's Purchase Money Claims Report, Motion to Transfer Funds and Notice of Release of Proceeds from Account
June 17, 2011	547	Joinder in the Objection to the Trustee's Purchase Money Claims Report, Motion to Transfer Funds and Notice of Release of Proceeds from Account
June 17, 2011	548	Objection to the Trustee's Purchase Money Claims Report, Motion to Transfer Funds and Notice of Release of Proceeds from Account
June 17, 2011	549	Supplemental Objection to the Trustee's Purchase Money Claims Report, Motion to Transfer Funds and Notice of Release of Proceeds from Account

June 17, 2011	552	Russell Decordova d/b/a Decordova Cattle Company's Response in Opposition to the Trustee's Purchase Money Claims Report, Motion to Transfer Funds and Notice of Release of Proceeds from Account
June 17, 2011	553	Further Supplemental Objection to the Trustee's Purchase Money Claims Report, Motion to Transfer Funds and Notice of Release of Proceeds from Account
June 17, 2011	554	Supplemental Objection to the Trustee's Motion to Transfer Funds and Notice of Release of Proceeds from Account
June 17, 2011	555	Objection to the Trustee's Purchase Money Claims Report, Motion to Transfer Funds and Notice of Release of Proceeds from Account
June 17, 2011	556	Objection and Joinder in Objection to the Trustee's Purchase Money Claims Report, Motion for Release of Fund and Notice of Release of Proceeds from Account
June 23, 2011	564	Trustee's Omnibus Reply to Objections to Purchase Money Claims Report
June 24, 2011	573	Minute Entry/Order
July 1, 2011	587	First Order Regarding Trustee's Purchase Money Claims Report
July 15, 2011	604	Order Granting First Interim Application of Development Specialists, Inc. for Compensation and Reimbursement of Expenses as Consultant for James A. Knauer, Chapter 11 Trustee
July 15, 2011	605	Order Granting First Interim Application of James A. Knauer for Compensation and Reimbursement of Expenses as Chapter 11 Trustee
August 1, 2011	650	Supplemental Objection of Coffeyville Livestock Market, LLC to Trustee's Purchase Money Claims Report, Motion for Release of Fund and Notice of Release of Proceeds from Account
August 1, 2011	651	Supplemental Objection Trustee's Motion Regarding Payment of Cattle Sale Proceeds

August 1, 2011	652	Supplemental Objection of Rex Elmore to Trustee's Purchase Money Claims Report, Motion for Release of Fund and Notice of Release of Proceeds from Account
August 1, 2011	653	Second Supplemental Objection to Trustee's Motion to Transfer Funds and Notice of Release of Proceeds from Account
August 1, 2011	655	Joinder of First Bank and Trust Company's Second Supplemental Objection to Trustee's Motion to Transfer Funds and Notice of Release of Proceeds From Account
August 16, 2011	668	Third Supplemental Objection to Trustee's Motion to Transfer Funds and Notice of Release of Proceeds From Account
August 17, 2011	669	Amended Third Supplemental Objection to Trustee's Motion to Transfer Funds and Notice of Release of Proceeds From Account
August 17, 2011	670	Supplemental Objection and Joinder in Objection to the Trustee's Motion for Release of Proceeds From Account
August 19, 2011	672	Third Party Defendants' Joint Response to the Trustee's Motion to Transfer Funds and to Objection to Motion
September 1, 2011	691	Final Order Regarding Trustee's Purchase Money Claims Report
November 10, 2011	816	Second Interim Application of James A. Knauer for Compensation and Reimbursement of Expenses as Chapter 11 Trustee
November 10, 2011	816-1	Exhibit A to Second Interim Application of James A. Knauer for Compensation and Reimbursement of Expenses as Chapter 11 Trustee
November 10, 2011	816-2	Exhibit B to Second Interim Application of James A. Knauer for Compensation and Reimbursement of Expenses as Chapter 11 Trustee

November 11, 2011	819	First Interim Application of Hoover Hull LLP for Compensation and Reimbursement of Expenses as Special Counsel for James A. Knauer, Chapter 11 Trustee
November 11, 2011	819-1	Exhibit A to First Interim Application of Hoover Hull LLP for Compensation and Reimbursement of Expenses as Special Counsel for James A. Knauer, Chapter 11 Trustee
November 11, 2011	820	Second Interim Application of Baker & Daniels LLP for Compensation and Reimbursement of Expenses as Counsel for James A. Knauer, Chapter 11 Trustee
November 11, 2011	820-1	Exhibit A Second Interim Application of Baker & Daniels LLP for Compensation and Reimbursement of Expenses as Counsel for James A. Knauer, Chapter 11 Trustee
November 11, 2011	821	Second Interim Application of Development Specialists, Inc. for Compensation and Reimbursement of Expenses as Consultant for James A. Knauer, Chapter 11 Trustee
November 11, 2011	821-1	Exhibit A to Second Interim Application of Development Specialists, Inc. for Compensation and Reimbursement of Expenses as Consultant for James A. Knauer, Chapter 11 Trustee
November 11, 2011	821-2	Exhibit B to Second Interim Application of Development Specialists, Inc. for Compensation and Reimbursement of Expenses as Consultant for James A. Knauer, Chapter 11 Trustee
November 14, 2011	828	Motion to Approve an Informal Ad Hoc Committee
November 23, 2011	857	Objection to First Interim Fee Application of Hoover Hull LLP
December 7, 2011	870	Objection to Professionals' Applications for Compensation and Reimbursement of Expenses
December 8, 2011	873	Objection to Professional Fee Applications of (1) James A. Knauer, Chapter 11 Trustee; (2) Hoover Hull LLP; and (3) Baker & Daniels LLP

December 8, 2011	873-1	Exhibit 1 to Objection to Professional Fee Applications of (1) James A. Knauer, Chapter 11 Trustee; (2) Hoover Hull LLP; and (3) Baker & Daniels LLP
December 9, 2011	875	Objection and Reservation of Rights to Fee Applications of (1) James Knauer, Chapter 11 Trustee, and (2) Baker & Daniels LLP
December 12, 2011	879	Objection to Motion to Approve an Informal Ad Hoc Committee
December 12, 2011	885	Objection of First Interim Fee Application of Hoover Hull LLP for Compensation and Reimbursement of Expenses as Special Counsel for James A. Knauer, Chapter 11 Trustee
December 12, 2011	886	Objection to the Second Interim Application of Baker & Daniels LLP for Compensation and Reimbursement of Expenses as Counsel for James A. Knauer, Chapter 11 Trustee
December 12, 2011	890	Objection of Fifth Third Bank to Motion to Approve an Informal Ad Hoc Committee
December 12, 2011	891	Hoover Hull LLP Response to Objections to First Interim Application for Compensation and Reimbursement of Expenses as Special Counsel for James A. Knauer, Chapter 11 Trustee
December 12, 2011	892	Trustee's Objection to Motion to Approve an Informal Ad Hoc Committee
December 13, 2011	894	Objection to Professional Fee Applications of (1) James A. Knauer, Chapter 11 Trustee; (2) Hoover Hull LLP; and (3) Baker & Daniels LLP
December 13, 2011	895	Objection to Professional Fee Applications of (1) James A. Knauer, Chapter 11 Trustee; (2) Hoover Hull LLP; and (3) Baker & Daniels LLP
December 13, 2011	895-1	Exhibit 1 to Objection to Professional Fee Applications of (1) James A. Knauer, Chapter 11 Trustee; (2) Hoover Hull LLP; and (3) Baker & Daniels LLP
December 13, 2011	896	Objection to Professional Fee Applications of (1) James A. Knauer, Chapter 11 Trustee; (2) Hoover Hull LLP; and (3) Baker & Daniels LLP

December 13, 2011	902	Objection to First Interim Application of Hoover Hull LLP for Compensation and Reimbursement of Expenses as Special Counsel for James A. Knauer, Chapter 11 Trustee
December 13, 2011	903	Objection to the Second Interim Application of Baker & Daniels LLP for Compensation and Reimbursement of Expenses as Counsel for James A. Knauer, Chapter 11 Trustee
December 13, 2011	904	Objection and Reservation of Rights to Fee Application of Baker & Daniels LLP
December 13, 2011	905	Objection and Reservation of Rights to Fee Application of James Knauer, Chapter 11 Trustee
December 19, 2011	916	Order Granting First Interim Application of Hoover Hull LLP for Compensation and Reimbursement of Expenses as Special Counsel for James A. Knauer, Chapter 11 Trustee
December 19, 2011	917	Order Granting Second Interim Application of Baker & Daniels LLP for Compensation and Reimbursement of Expenses as Counsel for James A. Knauer, Chapter 11 Trustee
December 19, 2011	918	Order Granting Second Interim Application of Development Specialists, Inc. for Compensation and Reimbursement of Expenses as Consultant for James A. Knauer, Chapter 11 Trustee
January 3, 2012	939	Notice of Withdrawal of Motion to Approve an Informal Ad Hoc Committee
January 9, 2012	958	Notice of Change of Law Firm Name and E- Mail Addresses
February 3, 2012	1005	Motion of Fifth Third Bank, N.A. to Limit Discovery or, Alternatively, for a Protective Order
February 7, 2012	1011	Exhibits A & B to Motion of Fifth Third Bank, N.A. to Limit Discovery or, Alternatively, for a Protective Order
February 9, 2012	1021	Objection to Motion of Fifth Third Bank, N.A. to Limit Discovery or, Alternatively, for a Protective Order

February 9, 2012	1024	Joinder in Objection to Motion of Fifth Third Bank, N.A. to Limit Discovery or, Alternatively, for a Protective Order
February 10, 2012	1025	Objection to Motion of Fifth Third Bank, N.A. to Limit Discovery or, Alternatively, for a Protective Order
February 21, 2012	1051	Order Granting in Part and Continuing in Part the Motion of Fifth Third Bank, N.A. to Limit Discovery or, Alternatively, for a Protective Order
February 21, 2012	1056	Application to Employ Kroger, Gardis & Regas, LLP as Special Counsel to Chapter 11 Trustee
February 21, 2012	1056-1	Exhibit A to Application to Employ Kroger, Gardis & Regas, LLP as Special Counsel to Chapter 11 Trustee
February 21, 2012	1056-2	Exhibit B to Application to Employ Kroger, Gardis & Regas, LLP as Special Counsel to Chapter 11 Trustee
March 13, 2012	1084	Order Granting Application to Employ Kroger, Gardis & Regas, LLP as Special Counsel to Chapter 11 Trustee
March 16, 2012	1098	Preliminary Report of Special Counsel for the Trustee, James A. Knauer Regarding Investigation of Fifth Third Bank's Proof of Claim and Potential Claims Against Fifth Third
June 5, 2012	1166	Report of the Trustee, James A. Knauer Regarding Investigation and Analysis of Potential Claims Against Fifth Third Bank
June 8, 2012	1177	Preliminary Objection to Report of the Trustee, James A. Knauer Regarding Investigation and Analysis of Potential Claims Against Fifth Third Bank
June 8, 2012	1197	Motion to Strike Report of the Trustee, James A. Knauer Regarding Investigation and Analysis of Potential Claims Against Fifth Third Bank
June 20, 2012	1201	Objection of the First Bank and Trust Company to Trustee's Report
June 21, 2012	1204	Motion of the First Bank and Trust Company to Strike Trustee's Report

June 22, 2012	1206	Supplemental Objection to Report of Trustee, James A. Knauer Regarding Investigation and Analysis of Potential Claims Against Fifth Third Bank
June 25, 2012	1209	Defendant CPC Livestock's Joinder to Objections to Trustee's Report Regarding Claims Against Fifth Third Bank
July 2, 2012	1222	Laurel Livestock's Joinder in Objections to Trustee's Report
July 10, 2012	1237	Motion to Remove Trustee Pursuant to 11 U.S.C. §324
July 10, 2011	1238	Renewal of Objection of The First Bank and Trust Company to Application to Employ Baker & Daniels, LLP (n/k/a Faegre Baker Daniels LLP) as Counsel to Chapter 11 Trustee
July 10, 2012	1239	Motion of The First Bank and Trust Company to Remove Trustee Pursuant to 11 U.S.C. § 324
July 18, 2012	1248	Joint Evidentiary Submission of Certain Creditors in Support of Motions to Remove Trustee and Renewal of Objection to Application to Employ Trustee Counsel
August 10, 2012	1324	Motion of the Kentucky Cattlemen's Association to Remove the Trustee Pursuant to 11 U.S.C. §324 and to Terminate Employment of the Trustee's Lead Counsel
August 13, 2012	1326	Trustee's Response to Objections to and Motion to Strike the Trustee's Report
August 13, 2012	1327	Response to Renewal of Objection of First Bank to Application to Employ Baker & Daniels LLP (NKA Faegre Baker Daniels LLP) as Counsel to the Trustee and the Bluegrass Joinder Thereto
August 13, 2012	1328	Affidavit of James M. Carr as Supplemental Rule 2014 Disclosure
August 13, 2012	1329	Trustee's Response to Motions to Remove Trustee
August 13, 2012	1330	Affidavit of James A. Knauer, Trustee as Supplemental Rule 2014 Disclosure
August 13, 2012	1331	Notice of Filing Document Under Seal

August 14, 2012	1333	Trustee's Motion for Leave to File Document Under Seal [Participation Agreement]
August 16, 2012	1345	Creditors' Reply to Responses Regarding Motions to Remove Trustee and Trustee Lead Counsel
August 16, 2012	1348	Reply by Superior Livestock Auction, Inc. to Trustee's Response to Objections and Motions to Strike the Trustee's Report
August 16, 2012	1351	Notice of Filing of National Cattleman's Beef Association's Letter in Support of Motions to Remove Trustee
August 17, 2012	1357	Reply Memorandum in Support of Renewal of Objection of the First Bank and Trust Company to Application to Employ Baker & Daniels, LLP (N/K/A Faegre Baker Daniels LLP) as Counsel to Chapter 11 Trustee
August 17, 2012	1357-1	Exhibit 1 (filed under seal) to the Reply Memorandum in Support of Renewal of Objection of the First Bank and Trust Company to Application to Employ Baker & Daniels, LLP (N/K/A Faegre Baker Daniels LLP) as Counsel to Chapter 11 Trustee
August 17, 2012	1357-2	Exhibit 2 (filed under seal) to the Reply Memorandum in Support of Renewal of Objection of the First Bank and Trust Company to Application to Employ Baker & Daniels, LLP (N/K/A Faegre Baker Daniels LLP) as Counsel to Chapter 11 Trustee
August 17, 2012	1357-3	Exhibit 3 to the Reply Memorandum in Support of Renewal of Objection of the First Bank and Trust Company to Application to Employ Baker & Daniels, LLP (N/K/A Faegre Baker Daniels LLP) as Counsel to Chapter 11 Trustee
August 18, 2012	1361	Reply Memorandum in Support of Motion of the First Bank and Trust Company to Remove Trustee Pursuant to 11 U.S.C. § 324
August 18, 2012	1361-1	Exhibit 1 (filed under seal) to the Reply Memorandum in Support of Motion of the First Bank and Trust Company to Remove Trustee Pursuant to 11 U.S.C. § 324

August 18, 2012	1361-2	Exhibit 2 (filed under seal) to the Reply Memorandum in Support of Motion of the First Bank and Trust Company to Remove Trustee Pursuant to 11 U.S.C. § 324
August 18, 2012	1361-3	Exhibit 3 to the Reply Memorandum in Support of Motion of the First Bank and Trust Company to Remove Trustee Pursuant to 11 U.S.C. § 324
August 18, 2012	1361-4	Exhibit 4 (filed under seal) to the Reply Memorandum in Support of Motion of the First Bank and Trust Company to Remove Trustee Pursuant to 11 U.S.C. § 324
August 19, 2012	1363	Motion of the First Bank and Trust Company to file Documents and Deposition Transcripts Under Seal
August 23, 2012	1377	Joinder in Motions by Superior Livestock Auction, Inc.
August 31, 2012	1388	Order Denying Motions to Remove Trustee
August 31, 2012	1389	Order Overruling Renewed Objections to Employment of Faegre Baker Daniels LLP
August 31, 2012	1390	Order on Objections to and Motions to Strike Trustee's Report
September 7, 2012	1408	Notice of Appeal
September 13, 2012	1413	Notice of Appeal
September 13, 2012	1415	Notice of Appeal
September 14, 2012	1419	Notice of Appeal
September 24, 2012	1439	Notice of Filing Unredacted Version of Reply Memorandum in Support of Motion of the First Bank and Trust Company to Remove Trustee Pursuant to 11 U.S.C. § 324
September 24, 2012	1439-1	Exhibit A to Notice of Filing Unredacted Version of Reply Memorandum in Support of Motion of the First Bank and Trust Company to Remove Trustee Pursuant to 11 U.S.C. § 324

February 4, 2011	POC No. 13	Proof of Claim filed by Fifth Third Bank
March 7, 2011	POC No. 55	Proof of Claim filed by Athens Stockyard, LLC
March 9, 2011	POC No. 82	Proof of Claim filed by Sealy and Son/Alabama Livestock
April 6, 2011	POC No. 132	Proof of Claim filed by CPC Livestock
April 30, 2011	POC No. 181	Proof of Claim filed by Arcadia Stockyard
May 1, 2011	POC No. 191	Proof of Claim filed by Arcadia Stockyard
May 2, 2011	POC No. 225	Proof of Claim filed by Arcadia Stockyard
July 27, 2012	Doc. 453	AP 11-59093, <i>Friona Industries, LP, et al. v. Eastern Livestock Co, LLC et al.</i> - Order Denying Motion for Summary Judgment Against Robert Nichols, Jane Nichols, Nichols Livestock and Jane, LLC (re: Doc # 263) and Granting Motion for Summary Judgment Against Cactus (re: Doc # 321)
April 5, 2012	Doc. 47	AP 11-59104, <i>Rush Creek Ranch, LLLP v. Eastern Livestock Co., LLC, et al.</i> - Amended Answer to Answer to Complaint, Crossclaim, Answer to Crossclaim, Counterclaim by Arcadia Stockyard, et al.
July 4, 2012	Doc. 1	AP 12-59036, <i>Knauer v. James Edward Edens, IV and E4 Cattle Co.</i> - Complaint
September 10, 2012	Doc. 24	AP 12-59036 - Motion to Dismiss Adversary Proceeding..
September 10, 2012	Doc. 25	AP 12-59036 - Brief in Support of Motion to Dismiss Adversary Proceeding
July 27, 2012	Doc. 1	AP 12-59047, <i>Knauer v. Robert Rawls Livestock</i> - Complaint
July 27, 2012	Doc. 1	AP 12-59048, <i>Knauer v. Freeman</i> - Complaint
July 27, 2012	Doc. 1	AP 12-59049, <i>Knauer v. Macon Stockyard</i> - Complaint
July 27, 2012	Doc. 1	AP 12-59050, <i>Knauer v. Billingsley Auction Sale, Inc.</i> - Complaint,
September 9, 2012	Doc. 1	AP 12-59072, <i>Knauer v. Carroll County Livestock Sale Barn, Inc.</i> - Complaint,

**B. Pleadings filed in this case, but NOT filed electronically in Case No. 10-93904-BHL-11**

1. Participation Agreement By and Between Wells Fargo Business Credit, Inc. and Fifth Third Bank, NA. (Dated as of February 9, 2005), Production Nos. FT028176-200, filed under seal on or about August 13, 2012 by the Trustee as reflected by Doc. No. 1331;
2. Transcript of Omnibus Hearing on August 20, 2012 filed by J&J Court Reporters, Inc. on or about September 11, 2012 as reflected by Doc. No. 1411;
3. Transcript of Deposition of James Knauer, Volumes I and II, and all Exhibits thereto, delivered to the Court at the August 20, 2012 hearing.

**C. Pleadings from Case No. 09-06065-BHL-11 (*In re Lauth Investment Properties, LLC*) United States Bankruptcy Court Southern District of Indiana, New Albany Division**

<b><u>Filing Date</u></b>	<b><u>Docket No.</u></b>	<b><u>Docket Text</u></b>
August 3, 2009	328	Appearance of James A. Knauer for Wells Fargo Bank, NA
May 11, 2010	1076	Wells Fargo Motion for Alternatively Bank, National Association's Relief from the Stay and to Dismiss Certain of the Consolidated Cases
May 28, 2010	1115	Withdrawal of Appearance
October 15, 2010	1476	Wells Fargo Bank, National Association's Motion for Use of Confidential Financial Information and Alternatively, Motion in Limine
November 1, 2010	1522	Joint Motion to Continue Certain Matters to be Heard at November 4, 2010 Omnibus Hearing and Rescheduling the Same to December 7, 2011 Omnibus Hearing

December 1, 2010	1586	Joint Motion to Continue Certain Matters to be Heard at December 7, 2010 Omnibus Hearing and Rescheduling the Same to February 9, 2011 Omnibus Hearing
December 21, 2010	1643	Joint Motion to Continue Certain Matters to be Heard at February 9, 2011 Omnibus Hearing and Rescheduling the Same to March 1, 2011 Omnibus Hearing
February 28, 2011	1736	Motion of the Debtors for Entry of an Order Approving Global Settlement Between (A) Debtors, (B) Wells Fargo Bank and (C) Certain Guarantors
February 28, 2011	1737	Motion of the Debtors for Entry of an Order Authorizing Debtors to File Under Seal Confidential Settlement Term Sheet
May 13, 2011	1988	Wells Fargo Bank, National Association's Limited Response to Second Amended Joint Plan of Reorganization Pursuant to Chapter 11 of the Bankruptcy Code
July 25, 2011	2156	Motion for Leave to Withdraw Appearance of Ryan B. Bowers

### **STATEMENT OF ISSUES ON APPEAL**

1. Whether the “taint” and appearance of impropriety and conflict alone arising from the prior and ongoing representation by the Trustee and his law firm of Debtor Eastern Livestock’s major creditor financial institution, Fifth Third Bank, and its primary loan participant, Wells Fargo, required removal.
2. Whether the Court erred in holding that the Trustee was not required to disclose, pursuant to Federal Rule of Bankruptcy Procedure 2007.1(c) and 11 U.S.C. §§ 101(14) and 1104, his and his law firm’s known connections to Wells Fargo and all of its affiliated Wells

Fargo companies, a \$10 million loan participant in the \$32.5 million asserted secured claim against the Debtor.

3. Whether the Court erred in holding that it was “unnecessary” for the Court to determine whether the Trustee, after entering into a limited conflict waiver agreement with Wells Fargo, did not have to disclose the relationship, the connections, or the existence of the limited conflict waiver agreement.

4. Whether the Court erred in finding that Wells Fargo was a “former client” of the Trustee and his law firm, and whether the Court erred in attaching any relevance to this fact, including but not limited to its holding that it was “unnecessary” for the Court to decide whether the Trustee was not required to disclose his or his firm’s connections with Wells Fargo under the Trustee’s continuing duties of disclosure.

5. Whether the Court erred in holding that a loan participant in the largest secured claim in a Chapter 11 case is not a “creditor” or “party in interest” for purposes of the disclosure requirements and the disinterestedness requirements under Federal Rule of Bankruptcy Procedure 2007.1(c), and 11 U.S.C. §§ 101(14) and 1104.

6. Whether the Court erred in finding that the Trustee was and continued to be a “disinterested person” as defined in the Seventh Circuit for the purposes of 11 U.S.C. § 101(14), as statutorily mandated by 11 U.S.C. § 1104.

7. Whether the Court erred in finding that the Trustee and his law firm were free to assert any Estate claims, defenses, and causes of action, and to otherwise act adversely to Wells Fargo without regard to the limitations and prohibitions contained in the limited conflict waiver

agreement entered into between the Trustee and Wells Fargo and the obligations imposed by the Indiana ethics rules.

8. Whether the Court erred in finding that the Trustee entered into a written conflict waiver agreement with Fifth Third Bank which contained no limitations when no evidence that such conflict waiver ever existed or was ever placed in the Court record or otherwise disclosed or produced, and whether the Court erred in finding that the Trustee had “fully disclosed” all of his and his firm’s connections with Fifth Third Bank and that the Trustee was free to be adverse to Fifth Third Bank and to commence any action against Fifth Third Bank.

9. Whether the Court erred in finding that removal of the Trustee was neither warranted nor mandated because of the risks of possible delay, possible added costs, possible impairment of estate causes of action, and possible lessened creditor recoveries, when no evidence was presented on any of such possibilities.

10. Whether the Court erred in failing to consider as relevant to the removal of the Trustee, the evidence involving the Estate’s general bankruptcy counsel’s very similar non-disclosures and lack of disinterestedness regarding Wells Fargo, and the collective decision of the Trustee and his Counsel that neither would make disclosures of any sort regarding their respective limited conflict waiver agreements with Wells Fargo.

11. Whether the Court erred in finding that no significant harm would result from the continuance of the Trustee in the Chapter 11 case.

12. Whether the Court erred in applying the incorrect standard of law to the motions to remove the Trustee.

13. Whether the Court erred when it entered the Order Denying Motions to Remove.

Respectfully submitted this 28<sup>th</sup> day of September 2012,

W. SCOTT NEWBERN, PL

/s/ Walter Scott Newbern

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 28<sup>th</sup> day of September 2012, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

/s/ W. Scott Newbern

W. SCOTT NEWBERN